

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**JOHN DEREK LAGWAY,
Plaintiff,**

V.

**CITY OF CONROE, TEXAS, OFFICER
BRENT STOWE AND OFFICER ERIC
BURKE, INDIVIDUALLY
Defendants.**

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**CAUSE NO. 4:09-CV-01732
JURY REQUESTED**

AGREED MOTION UNDER RULE 60(b)(5)

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, Brent Stowe, Defendant in the above-titled number cause and files this Motion, pursuant to Rule 60 of the Federal Rules of Civil Procedure, for relief from the Final Judgment in this case:

1. The Court entered judgment in favor of the Plaintiff in this case and a bill of costs was entered. Before the time had expired for filing a motion for new trial, a motion for judgment notwithstanding the verdict, a motion to alter or amend the judgment or to file a notice of appeal, the Parties agreed to compromise said Judgment. Accordingly, pursuant to Rule 60(b)(5) of the Federal Rules of Civil Procedure, Brent Stowe hereby moves the Court to grant relief from the Final Judgment because the judgment has been compromised and released. The compromise was reached by the Parties prior to the deadlines for filing the motions referred to above and prior to the time for filing a notice of appeal.

WHEREFORE, PREMISES CONSIDERED, Defendant Brent Stowe prays that the Court enter an order relieving Brent Stowe from the Final Judgment because the judgment has been compromised and released.

Respectfully submitted,

GORDON & REES LLP

By: /s/ Steven D. Selbe
Steven D. Selbe
State Bar No. 18004600
So. Dist. No. 18003
Heidi Gumienny
State Bar No. 24036696

**ATTORNEYS IN CHARGE FOR
DEFENDANT**

OF COUNSEL:

GORDON & REES, LLP
1900 West Loop South, Suite 1000
Houston, Texas 77027
(713) 961-3366 – Telephone
(713) 961-3938 – Facsimile

CERTIFICATE OF CONFERENCE

I hereby certify that I have spoken with the attorney for the Plaintiff and this Motion is AGREED.

/s/ Steven D. Selbe

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been sent this 9th day of November, 2010, to counsel for the Plaintiff through the electronic filing system of the Southern District of Texas.

/s/ Steven D. Selbe
STEVEN D. SELBE

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BE IT REMEMBERED that on the ____ day of _____, 2010 came on to be heard, Defendant Brent Stowe's Motion for relief from the Judgment pursuant to Rule 60(b)(5) of the Federal Rules of Civil Procedure. The Court finds that the Motion is well taken and the Motion is in all things GRANTED. Brent Stowe is hereby relieved from the Judgment because the Judgment has been compromised and released.

Signed on the date set forth above.

UNITED STATES DISTRICT JUDGE